**THE HON'BLE Ms. JUSTICE G. ROHINI**

**W.P.No.18740 OF 2005**

05.10.2005.

Between:

T. Venkata Reddy. ..Petitioner.

And

The Government of Andhra Pradesh,

Agriculture & Co-operation (Coop V)

Department, represented by its

Principal Secretary and four others. .. Respondents.

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**ORDER:**

This Writ Petition is filed seeking a Mandamus to declare the Notification dated 22.6.2005 and the consequential Order dated 21.7.2005 issued by the 3rd respondent-Collector (Co-operation), Chittoor District, as arbitrary, illegal and without jurisdiction.

The petitioner claims to be the Ex-president of N.R. Kammapalle Primary Agricultural Co-operative Society. It is stated that in terms of G.O.Ms.No.176, Agriculture & Co-operation (COOP.V) Department, dated 14.6.2005, the third respondent-District Collector, issued a Notification under Section 15-A (1)(e) of the A.P. Co-operative Societies Act, 1964, in respect of Ramachandrapuram Mandal, stating that having applied the norms under G.O.Ms.No.176, G. Kammapalle PACS and N.R. Kammapalle PACS have been identified as Non-viable Societies for amalgamation and calling for objections from the Societies or any members, depositors, creditors, employees or other persons concerned with the affairs of the Society, within 21 days from the date of publication of Notification. The petitioner states that several objections were raised objecting the proposed amalgamation. That apart, both the G. Kammapalle PACS and N.R. Kammapalle PACS passed resolutions objecting the proposed amalgamation. However, the 3rd respondent by order dated 21.7.2005 ordered amalgamation of N.R. Kammapalle PACS with G. Kammapalle PACS. The said order is under challenge in this Writ Petition.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

The learned counsel for the petitioner contended that Section 15-A of the A.P. Co-operative Societies Act, 1964 (for brevity “the Act”) aims at ensuing economic viability of the Societies, and the Registrar may amalgamate or merge non-viable Society with viable Society, but the said provision does not contemplate merger of two non-viable Societies. The learned counsel also contends that G.O.Ms.No.176, dated 14.6.2005 is ultravires of Section 15-A of the Act and that the 3rd respondent has erred in amalgamating the two Societies which are wrongly identified as Non-viable Societies.

It is to be noted that in the counter-affidavit filed on behalf of the respondents, it is stated that the District Collector has identified two Primary Agricultural Co-operative Societies in Ramachandrapuram Mandal as non-viable, and a notification to that effect was issued on 22.6.2005 inviting objections/suggestions from any members, depositors, creditors, employees or other persons concerned with the affairs of the non-viable Primary Agricultural Co-operative Societies. In the said notification it was stated that G. Kammapalle Primary Agricultural Co-operative

Society, which was identified as focal point non-viable society would be merged with N.R. Kammapalle Primary Agricultural Co-operative Society in Ramachandrapuram Mandal. In response to the same, certain objections have been received and having considered the same, the 3rd respondent issued a final order of merger of N.R. Kammapalle Primary Agricultural Co-operative Society with the identified focal point non-viable Society, since the objections were found to be untenable. It is also stated that as per Condition No.7 (e) and (f) of the G.O.Ms.No.176, G. Kammapalle PACS has been identified as focal point non-viable Society. Therefore, it cannot be said that the merger is erroneous.

In the light of the object with which Section 15-A of the Act was enacted, and particularly with reference to the reasons specified in G.O.Ms.No.176 dated 14.6.2005 while prescribing the guidelines for implementation of the scheme, it is clear that the whole exercise has been undertaken by the Government on the basis of the policy decision to restructure the Co-operative Credit Institutions in the State for their strengthening, effective functioning and for making them viable. Admittedly, the Expert Committee constituted by the State Government as well as the Task Force constituted by the Government of India, submitted their reports, on the basis of which G.O.Ms.No.176 dated 14.06.2005 has been issued specifying the guidelines to be followed for implementation of the scheme. Thus, it cannot be said that the power conferred on the 3rd respondent to identify viable and non-viable Societies is unguided. In the case on hand, since admittedly both N.R. Kammapalle PACS and G. Kammapalle PACS have been identified as non-viable, the amalgamation of the said two Societies is in accordance with the guidelines. In the absence of any specific allegation of *mala fides* or non-compliance with any Statutory provision, I am unable to hold that the decision of the 3rd respondent-District Collector, that the Societies in question are non-viable is erroneous, warranting interference by this Court in exercise of the extra-ordinary jurisdiction under article 226 of the Constitution of India. Admittedly, before passing the order of impugned amalgamation, the objections raised by the respective societies were considered and having found that the objections are untenable, the amalgamation has been ordered. It is also relevant to note that the petitioner has not challenged the policy decision of the State regarding merger of the non-viable Primary Agricultural Co-operative Societies, but only assailed the orders of merger passed in terms of the said policy.

For the aforesaid reasons and since the petitioner failed to make out any case to establish that the impugned orders are vitiated on any ground what-so-ever, the relief as prayed for cannot be granted.

The Writ Petition is accordingly dismissed. No costs.

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5th October, 2005.

Gbs/kgr

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